

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI - SOUTHERN DIVISION**

CYNTHIA HAYNES (a/k/a Cynthia Randolph) )  
  )  
  )  
  Plaintiff, )  
v.  )  
  )  
JENNIFER WILLIAMS, individually, et al.     )  
  )  
  Defendants. )

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**PLAINTIFF'S MOTION TO FILE A SURREPLY TO THE MOTION ON THE  
PLEADINGS FILED BY DEFENDANT WILLIAMS**

COMES NOW Plaintiff and requests this Honorable Court allow her to file a Surreply to the Reply Memoranda filed by Defendant Williams for the following reasons:

1.       Williams made arguments in her Reply Memoranda that Plaintiff believes are not based upon the facts pled and /or accurately reflect case law.
2.       For example, Williams states Plaintiff asked this Court to create any new cause of action “acting outside the scope of GAL duties.” Plaintiff never asked this Court to create a new cause of action for acting outside the scope of GAL duties.
3.       For example, Williams misquotes Plaintiff’s Response to Williams’ Motion for Judgment on the Pleadings (Doc. #118) stating “Plaintiff offers this Court no legal basis to conclude that a GAL … owes a duty of care to a child in a custody case.” Plaintiff cited Missouri statutes, cases, and Missouri Supreme GAL Standards which specifically outline duties and standards of care for Missouri GALs.
4.       For example, Williams misstates that “Plaintiff’s Response Memorandum did not cite any specific allegations in the Amended Complaint which support a claim for negligent infliction of emotional distress which caused M.H.’s death.” Plaintiff’s Response (Doc. #118) cited Plaintiff’s Amended Complaint allegations on pages 8 through 10 of her Response.

5. For example, Williams misquotes Plaintiff stating that Plaintiff recasts her Amended Complaint to pursue a malpractice lawsuit against Williams. Plaintiff did not make such a characterization.

6. Plaintiff believes that Defendant Williams' arguments concerning duty, negligent infliction of emotional distress, and the way Defendant Williams defines Plaintiff's claims should be addressed to show the fallacies in Williams' characterization of Plaintiff's facts and arguments.

7. Plaintiff requests that she be given an opportunity to file a Surreply. Plaintiff would limit the Surreply to 7 pages, will not simply reiterate arguments made previously, and will file the Surreply within one week from the Court granting her permission to file it.

WHEREFORE, Plaintiff prays that this Honorable Court grant her the right to file a Surreply limited to 7 pages within one week of the date of the Court's approval of this request and grant such other and further relief as the Court deems just under the circumstances herein.

/s/ Evita Tolu  
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#### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was filed electronically with the Clerk of the Court to be served to all counsel by operation of the Court's electronic filing system on April 4, 2023.

/s/ Evita Tolu  
Evita Tolu